

REMARKS

Claims 1-18 remain pending in this application for which applicants seek reconsideration.

Amendment

Independent claims 1, 7, and 15-18 have been amended to further define a user selecting feature of selecting a facsimile transmission or an electronic mail transmission. See at least Fig. 4 for support, where it discloses an operation panel 213 (see Fig. 2B) for selecting either the facsimile transmission (from S410 on) or the electronic mail transmission (from S430 on). Further, in light of the § 101 rejection, the preamble of claims 16 and 18 has been revised to include the language --computer-readable--. Although applicants submit that claims 16 and 18 meet the § 101 requirements, they are being amended to render moot the § 101 rejection. No new matter has been introduced.

Art Rejection

Claims 1-4 and 6-18 were rejected under 35 U.S.C. § 103(a) as unpatentable over Misawa (USP 6,771,382) in view of Kim (USP 6,268,937). Claim 5 was rejected under § 103(a) as unpatentable over Misawa in view of Kim and Morigami (USP 6,057,934).

According to the examiner, Kim discloses altering the two-dimensional size of the image to match the closest one of predetermined two-dimensional image sizes for a facsimile transmission, relying on column 3, lines 58-63. Further, according to the examiner, as the claims do not define how the transmission is selected, the examiner explained that Misawa's transmission selection technique is irrelevant to the present invention, and that Kim's teaching of altering the two-dimensional image is completely independent of the Misawa's transmission selection technique. In other words, according to the examiner, Misawa's transmission selection technique and Kim's image size altering technique are not mutually exclusive; thus, they can coexist together without defeating the purpose of selecting the transmission protocol exclusively based on the image data size.

Independent claims 1, 7, and 15-18, as presently claimed, each define a user transmission selection feature, where the user is allowed to select the transmission protocol. Misawa on the other hand explicitly calls for selecting the transmission type based exclusively on the image size. In this respect, applicants submit that none of the applied references would have taught the user selecting feature in conjunction with the image processing feature set forth

in the independent claims. That is, as Misawa explicitly teaches selecting the transmission protocol exclusively based on the image data size, the combination would have taught away from the user selecting feature.

Conclusion

Applicants submit that claims 1-18 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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DATE

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REG. NO. 34,079 (RULE 34, WHERE APPLICABLE)

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